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government within a 30 mile radius of the lands in question and all Indian governments within a 50 mile radius of the lands in question. (The definition for Indian governments has been enlarged to a 100 mile radius for all future petitions.) The term "detrimental" means activities which might arise other than normal competitive pressures. For example, an argument establishing detriment might include increased auto traffic, a drain on the area water supply, or other environmental concerns. However, even environmental concerns can be offset by parties willing to negotiate new traffic patterns, additional parking lots, new roads, new sewers, etc. Public sentiment or opinion is not considered "detrimental", therefore, little weight is given to communities which pass resolutions in opposition to gaming unless they demonstrate an impact on the community. Moreover, the economic impact a gaming establishment might have on other gaming or non-gaming establishments is also of little concern to the BIA because it falls into the definition of a "normal competitive pressure".

Should BIA find the petition not to be detrimental to the surrounding community, they would then move to consider the impact such action would have on the tribe(s) requesting the transfer.

Mike Anderson clearly does not want to establish a precedent against tribes wishing to bring land into trust in the future. He largely wanted to know what justification the Oneida had in opposing the sovereign actions of another Indian Nation or group of Nations.

**Mary Frances Repko, Staff to Sen. Feingold:** Debbie and I discussed the Hudson track and the recent conversations Debbie has had with representatives of the Stockbridge Munsee. She stated that Sen. Feingold intended to stay out of this issue. She said that he did not want to take sides against any tribe wishing to engage in gaming.

Senator Feingold is using the accord which Oneida reached with Ashwaabenon to illustrate how Tribal governments and local units of government can work together when bringing land into trust. This illustration is usually sent to constituents who complain about tribes taking land off the tax rolls.

(Note: Debbie and Bill Gollnick met with Senator Feingold on Tuesday evening. I was not present at that meeting.)

### **May 23**

**Senator Kohl:** Debbie outlined the Oneida's opposition to the Hudson track and explained the Stockbridge proposal. We pressed Senator Kohl to contact Secretary Babbitt to let them know of his interest in the track issue, and he agreed.